

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
(Indianapolis Division)

RED BARN MOTORS, INC.,	*	DOCKET NO. 1:14-cv-01589-TWP-DLP
PLATINUM MOTORS, INC., and	*	
MATTINGLY AUTO SALES, INC.,	*	CLASS ACTION
Individually, and on behalf of other	*	
members of the general public	*	
similarly situated,	*	
	*	
v.	*	
	*	
NEXTGEAR CAPITAL, INC.,	*	
F/K/A DEALER SERVICES	*	
CORPORATION	*	

MOTION TO SUBSTITUTE KERRY MURPHY AND
WITHDRAW CATHERINE LASKY AS CLASS COUNSEL

NOW INTO COURT, through undersigned counsel, come the Named Plaintiffs, Red Barn Motors, Inc. (“Red Barn”), Platinum Motors, Inc. (“Platinum”), and Mattingly Auto Sales, Inc. (“Mattingly,” together with the other named plaintiffs, the “Named Plaintiffs”), individually and on behalf of those individuals and entities who are similarly situated (“Class Members”; together with Named Plaintiffs, the “Plaintiffs”), and respectfully submit this Motion to Substitute Kerry Murphy and Withdraw Catherine Lasky as Class Counsel pursuant to Rule 23(g) of the Federal Rules of Civil Procedure and Local Rule 83-7.

The Named Plaintiffs filed their original Motion for Class Certification and Appointment of Class Counsel pursuant to Rules 23(c)(1)(A) and 23(g) of the Federal Rules of Civil Procedure on September 30, 2016 (“Motion”). Dkt. 154. The Named Plaintiffs filed an Amended Motion for Appointment of Class Counsel on April 29, 2017. Dkt. 198. Plaintiffs’ Motion for Appointment of Class Counsel was granted on June 29, 2017, appointing Ms. Murphy and Ms. Lasky, along with several other attorneys for Plaintiffs, as class counsel. Dkt. 220.

Since the Court entered its order appointing class counsel, Catherine E. Lasky and Kerry A. Murphy, formerly with the firm of Lasky Murphy LLC, have formed separate firms, Katie Lasky Law LLC and Kerry Murphy Law LLC, effective October 1, 2020. Following this transition, the Named Plaintiffs retained Kerry Murphy Law LLC as additional counsel in this matter in place of Lasky Murphy LLC.

Throughout this six-year litigation, Ms. Murphy has served as an integral member of the Plaintiffs' legal team, engaging in briefing, preparing written discovery, taking and defending depositions, working with Plaintiffs' damages expert, participating in Court status conferences, and communicating with defense counsel, among other responsibilities. The specifics of Ms. Murphy's experience and role in this case were outlined in the affidavit of Kerry A. Murphy filed with Plaintiffs' Amended Motion for Appointment of Class Counsel on April 29, 2017. Dkt. 198-1. As the Court held at that time, “[a] review of the declarations of counsel reveals that counsel have sufficient work experience generally and significant work in this case specifically to make them qualified and adequate to serve as class counsel in this litigation (see Filing No. 154-5; Filing No. 154-6; Filing No. 154-7; Filing No. 154-8). *Such is also the case for counsel who filed an Amended Motion for Appointment of Class Counsel (Filing No. 198; Filing No. 198-1).*” Dkt. 220 at 28-29 (emphasis added). Since the time of the Court's Order appointing class counsel, Ms. Murphy has continued to work extensively to pursue the claims alleged on behalf of the Plaintiffs and is fully prepared to commit the resources necessary to continue representing the Plaintiffs as class counsel. She remains fully qualified to prosecute the claims asserted in this action. The adequacy requirements of Rules 23(a)(4) and 23(g) are satisfied.

For the foregoing reasons, the Named Plaintiffs request that this Court grant their request to substitute Kerry Murphy of Kerry Murphy Law LLC as class counsel and withdraw Catherine

Lasky as class counsel, with the additional members of the class counsel team to remain as class counsel in this matter.

/s/ *Kerry A. Murphy*

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of October, 2020, a copy of the foregoing was filed electronically. Notice of the filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

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